

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-CV-22671-ALTONAGA/TORRES

DELIO BATISTA,
CARLOS LOPEZ,
MARIANA LOPEZ and
RAFAELA VALIENTE,

Plaintiffs,

vs.

AVANT ASSURANCE INC.,
REINIER CORTES, AND
ANDREA GONZALEZ QUINTERO,

Defendants.

_____ /

SPECIAL INTERROGATORIES TO THE JURY

Do you find from a preponderance of the evidence:

Delio Batista

1. That Delio Batista was an employee under the FLSA of:

(Please mark "YES" or "NO" for each you find was an employer):

Avant Assurance Inc. _____

Reinier Cortes _____

Andrea Gonzalez Capote _____

If you answered "YES" to one or more of the above in Question 1, please answer Question 2.¹ If you answered "NO" to all the above, please skip to Question 3.

2. That Defendants failed to pay Delio Batista the overtime wages required by law:

Answer "YES" or "NO" _____

If "YES," in what amount _____

Please answer Question 3.

3. That Defendants failed to pay Delio Batista bonuses and/or commissions in breach of the parties' contract:

Answer "YES" or "NO" _____

If "YES," in what amount _____

*If you answered "YES" to Question 3, please skip to Question 5.
If you answered "NO" to Question 3, please answer Question 4.*

4. That Defendants failed to pay Delio Batista bonuses and/or commissions that unjustly enriched the Defendants:

Answer "YES" or "NO" _____

¹ Defendants requested that the Court include the Retail Sales exemption as an affirmative defense and on the verdict form. The Court struck that defense from the jury instructions and verdict form at the Calendar Call with leave to re-assert it after the close of the evidence. Defendants request that the Court include on the verdict form a question that asks the jury to answer for each Plaintiff whether s/he "was exempt from the overtime pay provisions of the FLSA under the retail sales exemption." Plaintiffs object to this defense or the inclusion of such a question on the verdict form and maintain that the sale of insurance does not qualify as "retail" sales.

If "YES," in what amount _____

Please answer Question 5.

Carlos Lopez

5. That Carlos Lopez was an employee under the FLSA of:

(Please mark "YES" or "NO" for each you find was an employer):

Avant Assurance Inc. _____

Reinier Cortes _____

Andrea Gonzalez Capote _____

If you answered "YES" to one or more of the above in Question 5, please answer Question 6. If you answered "NO" to all the above in Question 5, please skip to Question 7.

6. That Defendants failed to pay Carlos Lopez the overtime wages required by law:

Answer "YES" or "NO" _____

If "YES," in what amount _____

Please answer Question 8.

7. That Defendants failed to pay Carlos Lopez bonuses and/or commissions in breach of the parties' contract:

Answer "YES" or "NO" _____

If "YES," in what amount _____

*If you answered "YES" to Question 7, please skip to Question 9.
If you answered "NO" to Question 7, please answer Question 8.*

8. That Defendants failed to pay Carlos Lopez bonuses and/or commissions that unjustly enriched the Defendants:

Answer "YES" or "NO" _____

If "YES," in what amount _____

Please answer Question 9.

Mariana Lopez

9. That Mariana Lopez was an "employee" under the FLSA of:

(Please mark "YES" or "NO" for each you find was an employer):

Avant Assurance Inc. _____

Reinier Cortes _____

Andrea Gonzalez Capote _____

If you answered "YES" to one or more of the above in Question 9, please answer Question 10. If you answered "NO" to all the above in Question 9, please skip to Question 11.

10. That Defendants failed to pay Mariana Lopez the overtime wages required by law:

Answer "YES" or "NO" _____

If "YES," in what amount _____

Please answer Question 11.

11. That Defendants failed to pay Mariana Lopez bonuses and/or commissions in breach of the parties' contract:

Answer "YES" or "NO" _____

If "YES," in what amount _____

*If you answered "YES" to Question 11, please skip to Question 13.
If you answered "NO" to Question 11, please answer Question 12.*

12. That Defendants failed to pay Mariana Lopez bonuses and/or commissions that unjustly enriched the Defendants:

Answer "YES" or "NO" _____

If "YES," in what amount _____

Please answer Question 12.

Rafaela Valiente

13. That Rafaela Valiente was an "employee" under the FLSA of:

(Please mark "YES" or "NO" for each you find was an employer):

Avant Assurance Inc. _____

Reinier Cortes _____

Andrea Gonzalez Capote _____

If you answered "YES" to one or more of the above in Question 13, please answer Question 14. If you answered "NO" to all the above in Question 13, please skip to Question 15.

14. That Defendants failed to pay Rafaela Valiente the overtime wages required by law:

Answer "YES" or "NO" _____

If "YES," in what amount _____

Please answer Question 15.

15. That Defendants failed to pay Rafaela Valiente bonuses and/or commissions in breach of the parties' contract:

Answer "YES" or "NO" _____

If "YES," in what amount _____

If you answered "YES" to Question 15, please sign and date your verdict. If you answered "NO" to Question 15, please answer Question 16.

16. That Defendants failed to pay Rafaela Valiente bonuses and/or commissions that unjustly enriched the Defendants:

Answer "YES" or "NO" _____

If "YES," in what amount _____

SO SAY WE ALL.

Foreperson's Signature

DATE: _____